

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Brian Adams,

Petitioner,

v.

Warden, Lebanon Correctional Institution,

Respondent.

Case No.: 1:09-cv-264

Judge Michael R. Barrett

ORDER

This matter is before the Court on the Report and Recommendation ("Report") filed by Magistrate Judge Michael R. Merz on December 8, 2011 (Doc. 23). Proper notice has been given to the parties under Rule 72(b) of the Federal Rules of Civil Procedure including notice that the parties would waive further appeal if they failed to file objections to the Report in a timely manner. (Doc. 23, 4); *see United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981). No objection has been filed despite that time to do so has been extended. (12/16/2011 Notion Order.)

Having reviewed this matter de novo, this Court finds the Report to be well reasoned, thorough, and correct. Accordingly, it is **ORDERED** that the Report is hereby **ADOPTED**. As the Report recommends (Doc. 23, 4), Petitioner's Motion for Relief from Judgment (Doc. 22) is without merit and is **DENIED**.

IT IS SO ORDERED.

s/Michael R. Barrett
United States District Judge